

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Application of

THE REPUBLIC OF TÜRKIYE,

Applicant for an Order pursuant to
28 U.S.C. § 1782 to Conduct Discovery
for use in Foreign Proceedings
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24 Misc. 557 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Applicant The Republic of Türkiye (the “Republic”) filed an *Ex Parte* Application for an Order Under 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings (the “Application”), which seeks documentary evidence from two U.S. banks: Bank of America, N.A. and Wells Fargo Bank, N.A. (collectively, the “Respondent Banks”). Dkt. 1. In connection with the Application, the Republic provided copies of the subpoenas to produce documents that it intends to serve on the Respondent Banks. Dkt. 1, Exh. 3. The Republic also submitted an affidavit from Veysel Kaçmaz, the Deputy Chief Public Prosecutor in the Ankara Chief Public Prosecutor’s Office, which explains that the Republic seeks these materials for use in an ongoing criminal prosecution of five foreign nationals for insider trading in violation of Turkish law, as well as for an investigation into potential money laundering by those same individuals. Dkt. 1, Exh. 2. Finally, the Republic attaches an indictment charging Cevdet Turkeyolu, Hasan Sayin, Ybrahim Sayin, Muhammet Erhan Koseoylu, and Ferhat Aktay with violations of the Turkish Penal Code. Dkt. 1, Exh. 4.

The Application is granted. Section 1782 provides, in relevant part, that, “upon the application of any interested person,” “[t]he district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other

thing for use in a proceeding in a foreign or international tribunal.” 28 U.S.C. § 1782(a). The Court finds that the Republic has satisfied each statutory requirement for discovery pursuant to Section 1782.

First, the Republic asserts that the Respondent Banks are “found” in this District. Dkt. 2 (memorandum of law in support of motion) at 2 (“Respondent Bank of America, N.A. is a U.S. bank with branches across the United States, including a branch in this judicial district located at One Bryant Park, West 42nd Street, New York, NY 10036. Respondent Wells Fargo Bank, N.A. is a U.S. bank with branches across the United States, including a branch in this judicial district located at 1156 6th Avenue, New York, NY, 10036.”); *accord* <https://locators.bankofamerica.com/> (last visited Dec. 17, 2024); <https://www.wellsfargo.com/locator/search/> (last visited Dec. 17, 2024); *see In re del Valle Ruiz*, 939 F.3d 520, 527 (2d Cir. 2019) (holding that “the statutory scope of ‘found’ extends to the limits of personal jurisdiction consistent with due process”). Second, the requested discovery is for use in the Turkish insider-trading prosecution and money-laundering investigation. Dkt. 1, Exh. 2 ¶¶ 3, 5, 8; *see In re Application for an Ord. Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proc.*, 773 F.3d 456, 462 (2d Cir. 2014) (holding that Section 1782 “permits district courts to order the production of discovery for use in a foreign criminal investigation”). Lastly, as the prosecutorial authority in that proceeding, the Republic is an “interested person” within the meaning of Section 1782. Dkt. 1, Exh. 2 ¶ 2; *see In re Republic of Kazakhstan for an Ord. Directing Discovery from Clyde & Co. LLP Pursuant to 28 U.S.C. § 1782*, 110 F. Supp. 3d 512, 516 (S.D.N.Y. 2015) (holding that sovereign states can be interested persons for purposes of seeking discovery under Section 1782). Accordingly, the statutory requirements of Section 1782 have been satisfied.

The Court further finds that the discretionary factors identified by the Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 255 (2004), further weigh in favor of

granting the Application: the Respondent Banks are not participants in the Turkish prosecution or investigation; there is no indication that the relevant Turkish tribunal would be unreceptive to discovery obtained through the Application; there is no indication that the Application is an attempt to circumvent proof-gathering restrictions under Turkish law; and the discovery requests in the Republic's proposed subpoenas to the Respondent Banks do not appear to be unduly intrusive or burdensome. Should the Respondent Banks have objections to the scope of those subpoenas that cannot be resolved through a meet-and-confer process, the Respondent Banks may then bring an appropriate motion before this Court.

Accordingly, the Application is granted, and the Republic is authorized to serve the Respondent Banks with subpoenas substantially in the form annexed as Exhibit 3 to the Application, Dkt. 1. The Respondent Banks are further ordered to respond to the subpoena within twenty days of service of the subpoenas and in conformance with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York. This Order is without prejudice to any motion by either Respondent Bank to quash or modify the subpoena served on it.

SO ORDERED.

Dated: December 17, 2024
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge